

**From:** David  
**To:** Microsoft ATR  
**Date:** 11/17/01 12:03am  
**Subject:** Failure.

I feel that the settlement reached with Microsoft will be a great service to big business....if by big business you mean Microsoft.

3 years of being watched by 3 people of whom Microsoft has a say and pays them.....and what after 3 years?

You have enough emails about how this Settlement will suit M\$ interest VERY well indeed. And they will not be punished at ALL...i.e.-> no penalty. But I have an idea for you, and I'm sure I'm not the only one with this idea.

Recommendation that WILL get Microsoft's attention...put in place a penalty to M\$ to be paid out to (via an acceptable medium UN-influenced/ un-influencable by M\$ but truly independent or at least less friendly towards M\$). This is a penalty after all!) to go towards Open-Source projects. More directly Linux. This WILL get M\$'s attention and present much more of a hammer over them than any amount of money could as they already have more than enough of it.

Open-Source...that is what scares M\$ and they will respect (as long as it is monitored by Independent people with powers to monitor and make public their findings (Quarterly report?) without (!) Microsoft's influence or shadow hanging over them as well as the right to impose further fines as required) a fine which helps a competitor with whom M\$ is unable to bargain or exercise influence over. Most importantly Microsoft is Afraid of Open Source. Perhaps the only thing it is afraid of and will do everything it can to stop Open Source. Anything to stop it via any one of the companies past tactics to others. This can be reflected in M\$'s statements about open source of which I'm sure you have many examples already. One note; imagine what would happen, (of if you prefer?why it has not yet happened by a single major OEM company) if an OEM began to ship a small number to their computers directed at the "small" market out there that would like a pre-installed Open Source OS. There aren't any such examples that come to

my mind, how  
about yours?

Otherwise I feel that the DoJ has let me as a consumer down and is not acting in my best interest with it's current apparent wish to quietly let this matter slide. I also feel that the idea of the DoJ "tiring" and being worn down insulting. I hope similar stances aren't taken in other places in the government because the DoJ is tired of pursuing the case. Most important of all, this so called settlement stinks. I expected better of the DoJ in light it's representing not only a number of U.S. States?but that they appear too weak to win for lack of conviction, purpose, and sense of duty in the face of co-operate which has been found guilty of law breaking and monopoly abuse.

Thank for you time?.and thank you for you help upholding the rights of the smaller companies looking to survive in light that to upset the giant is to cast yourself into it's shadow.

David.